

**APPENDIX 5**

**New Jersey Administrative Code 6:29-6.1 et seq.  
(Substance Abuse)**

Rule on physical education personnel recodified to N.J.A.C. 6:29-3.1.  
Rule on the purpose of the subchapter on substance abuse recodified from N.J.A.C. 6:29-9.1.

### 6:29-6.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

"Evaluation" means those procedures used to determine a pupil's need for an educational program or treatment which extends beyond the regular school program by virtue of the use of alcohol or other drugs by the pupil or the pupil's family.

"Intervention and referral to treatment" means those programs and services offered to help a pupil because of the use of alcohol or other drugs by the pupil or the pupil's family.

Amended by R.1989 d.480, effective September 5, 1989.  
See: 21 N.J.R. 1603(a), 21 N.J.R. 2784(b).

Amended definition for "evaluation" and for "treatment" by deleting 1.-4. under each definition and recodified those procedures to N.J.A.C. 6:29-9.3.

Recodified by R.1990 d.154, effective March 5, 1990.  
See: 21 N.J.R. 3815(a), 22 N.J.R. 793(a).

Rule on physical education exemption procedures recodified to N.J.A.C. 6:29-3.2.

Definitions regarding substance abuse recodified from N.J.A.C. 6:29-9.2.

### Case Notes

Temporary excuse from physical education class. *J.L. v. Bd. of Ed., West Orange, Essex Cty., 1974 S.L.D. 842.*

### 6:29-6.3 Adoption of policies and procedures

(a) District boards of education shall adopt and implement policies and procedures for the evaluation, intervention and referral to treatment of pupils whose use of alcohol and other drugs has affected their school performance or who possess, consume or who on reasonable grounds are suspected of being under the influence of the following substances in school or at school functions:

1. Alcoholic beverages;
2. Any controlled dangerous substance, as identified in N.J.S.A. 24:21-2; and/or
3. Any chemical or chemical compound which releases vapor or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system including but not limited to glue containing a solvent having the property of releasing toxic vapors or fumes, as defined in N.J.S.A. 2A:170-25.9.

(b) In adopting and implementing policies and procedures for the evaluation, intervention and referral to treatment of alcohol or other drug-affected pupils, district boards of education shall:

## SUBCHAPTER 6. SUBSTANCE ABUSE

### 6:29-6.1 Purpose

These rules are designed to provide standards for district boards of education in their development of policies and procedures to evaluate and treat pupils who have alcohol and other drug-related problems in the school setting.

Amended by R.1989 d.480, effective September 5, 1989.  
See: 21 N.J.R. 1603(a), 21 N.J.R. 2784(b).

Changed words "guidance to" to "standards for" and added reference to ... alcohol and "other" drug-related....  
Recodified by R.1990 d.154, effective March 5, 1990.  
See: 21 N.J.R. 3815(a), 22 N.J.R. 793(a).

1. Consult with local agencies approved by the State Department of Health; and

2. Provide for compliance with the confidentiality requirements established in Federal regulations found at 42 CFR Part II.

(c) Alcohol and other drug policies of district boards of education shall include, but not be limited to, the following components:

1. The roles of appropriate school staff when handling a variety of possible alcohol or other drug-related situations involving pupils on school property or at school functions;

2. Specific procedures, sanctions and due process provisions for violations of the alcohol and other drug policy requiring disciplinary action by the district board of education. The sanctions should be graded according to the severity of the offense;

3. Specific procedures to govern instances where emergency room services are required in treating alcohol or other drug-affected pupils;

4. The provision of evaluation services for pupils who are affected by alcohol or other drug use. These services shall include any of the following:

i. Examination by a physician for the purpose of diagnosing whether the pupil is under the influence of alcohol and/or other drugs;

ii. Evaluation by the child study team to determine a pupil's eligibility for special education and/or related services when the pupil has been identified as potentially educationally handicapped;

iii. Assessment by individuals who are certified by the New Jersey State Board of Examiners as substance awareness coordinators or by individuals who are appropriately certified by the New Jersey State Board of Examiners and trained in alcohol and other drug abuse prevention; and/or

iv. Referral to a community agency approved by the County Local Advisory Council on Alcoholism and Drug Abuse or the State Department of Health;

5. The provision of intervention and treatment-referral services for pupils who are affected by alcohol or other drug use. Intervention and treatment-referral shall be provided by individuals who are certified by the New Jersey State Board of Examiners as substance awareness coordinators or by individuals who are appropriately certified by the New Jersey State Board of Examiners and trained in alcohol and other drug abuse prevention. These programs and services shall include any of the following:

i. Provisions for a program of instruction, counseling and related services provided by the district board of education while a pupil is receiving medical or therapeutic care for a diagnosed alcohol or other drug dependency problem;

ii. Referral to a community agency approved by the County Local Advisory Council on Alcoholism and Drug Abuse or the State Department of Health;

iii. Providing support services for pupils who are in care or returning from care for alcohol and other drug dependency; and/or

iv. A special class or course designed to meet the needs of pupils with alcohol or other drug use problems;

6. Procedures for cooperating with law enforcement drug operations and activities on or near school property in accordance with the provisions established in N.J.A.C. 6:3-6; and

7. Provisions for the establishment of parent/guardian substance abuse educational programs offered at times and places convenient to the parents of the district on school premises or other facilities.

(d) The policies and procedures for the evaluation, intervention and referral to treatment of alcohol and other drug-affected pupils developed under this section shall be reviewed and approved by the Department of Education.

Amended by R.1989 d.480, effective September 5, 1989.

See: 21 N.J.R. 1603(a), 21 N.J.R. 2784(b).

At (b)2. added provision for compliance with Federal confidentiality requirements; at new (c)4i-iv, delineated evaluation services; at (c)5i-iv delineated treatment services and added new (c)6 and 7.

Recodified by R.1990 d.154, effective March 5, 1990.

See: 21 N.J.R. 3815(a), 22 N.J.R. 793(a).

Rule on physical education exemption procedures recodified to N.J.A.C. 6:29-3.3.

Rule on adoption of policies and procedures recodified from N.J.A.C. 6:29-9.3.

#### Case Notes

Substance abuse guidance counselor's notes of interviews regarding incident in which high school students were charged with aggravated sexual assault were privileged. State in Interest of L.P., 250 N.J. Super. 103, 593 A.2d 393 (Ch.1991).

Proper manner for determining worker's compensation rate for injured employee holding multiple positions was to aggregate salaries from all three positions. Stack v. Boonton Bd. of Ed., 199 N.J. Super. 121, 488 A.2d 1032 (App.Div.1985).

Alcohol consumption; students prohibited from participation in graduation ceremonies. R.F. Et Al. v. Board of Education of Park Ridge, 93 N.J.A.R.2d (EDU) 79.

#### 6:29-6.4 Review and availability of policies and procedures

(a) Each district board of education shall establish an annual process to review the effectiveness of its alcohol and other drug policies and procedures. The district board of education shall solicit community input as well as consult with local agencies approved by the State Department of Health in the review process.

(b) Alcohol and other drug policies and procedures for discipline, evaluation, intervention and referral to treatment of pupils shall be made available annually to all school staff, pupils, and parents or guardians.

Amended by R.1989 d.480, effective September 5, 1989.

See: 21 N.J.R. 1603(a), 21 N.J.R. 2784(b).

Added phrase . . . alcohol and "other" drug . . .

Recodified by R.1990 d.154, effective March 5, 1990.

See: 21 N.J.R. 3815(a), 22 N.J.R. 793(a).

Rule on athletics procedures recodified to N.J.A.C. 6:29-3.4. Rule on review and availability of policies and procedures recodified from N.J.A.C. 6:29-9.4.

#### 6:29-6.5 Reporting, notification and examination procedures

(a) In instances involving alcoholic beverages, controlled dangerous substances or any chemical or chemical compound as identified in N.J.A.C. 6:29-6.3(a), the following shall apply:

1. Any professional staff member to whom it appears that a pupil may be under the influence of alcoholic beverages or other drugs on school property or at a school function shall report the matter as soon as possible to the school nurse or medical inspector and the principal.

i. In the absence of the principal, his or her designee shall be notified; and

ii. In instances where the school nurse, medical inspector or the principal are not in attendance, the staff member responsible for the school function shall be immediately notified.

2. The principal or his or her designee shall immediately notify the parent or guardian and the chief school administrator and arrange for an immediate examination of the pupil. The examination may be performed by a physician selected by the parent or guardian or by the medical inspector. If the chosen physician is not immediately available, the examination shall be conducted by the medical inspector or, if the medical inspector is not available, the pupil shall be accompanied by a member of the school staff, designated by the principal, to the emergency room of the nearest hospital for examination. If available, a parent or guardian should also accompany the pupil.

3. If, at the request of the parent or legal guardian, the medical examination is conducted by a physician other than the medical inspector, such examination shall not be at the expense of the district board of education.

4. Provisions shall be made for the appropriate care of the pupil while awaiting the results of the medical examination.

5. A written report of the medical examination shall be furnished to the parent or guardian of the pupil, the principal and the chief school administrator by the examining physician within 24 hours.

6. If the written report of the medical examination is not submitted to the parent or guardian, principal and chief school administrator within 24 hours, the pupil shall be allowed to return to school until such time as a positive diagnosis of alcohol or other drug use is received.

7. If there is a positive diagnosis from the medical examination, indicating that the pupil is under the influence of alcoholic beverages or other drugs, the pupil shall be returned to the care of a parent or guardian as soon as possible. Attendance at school shall not resume until a written report has been submitted to the parent or guardian of the pupil, the principal and chief school administrator from a physician who has examined the pupil to diagnose alcohol or other drug use. The report shall certify that substance abuse no longer interferes with the pupil's physical and mental ability to perform in school. In addition, the staff member shall complete the Violence, Vandalism and Substance Abuse Incident Report.

8. Refusal or failure by a parent to comply with the provisions of N.J.S.A. 18A:40A-12 shall be deemed a violation of the compulsory education (N.J.S.A. 18A:38-25 and 18A:38-31) and/or child neglect (N.J.S.A. 9:6-1 et seq.) laws.

9. While the pupil is at home because of the medical examination or after his or her return to school, the school may require additional evaluation for the purpose of determining the extent of the pupil's alcohol or other drug use and its effect on his or her school performance.

(b) In instances involving anabolic steroids, the following shall apply after July 1, 1990:

1. Whenever any teaching staff member, school nurse or other educational personnel of any public school shall have reason to believe that a pupil has used or may be using anabolic steroids, that teaching staff member, school nurse or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a substance awareness coordinator, and to the principal or, in his or her absence, to his or her designee.

2. The principal or his or her designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an examination of the pupil by a doctor selected by the parent or guardian or by the medical inspector. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil has been using anabolic steroids.

3. A written report of that examination shall be furnished by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal.

4. If it is determined that the pupil has been using anabolic steroids, the pupil shall be interviewed by a substance awareness coordinator or another appropriately

trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination, the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with such experts in the field of substance abuse as may be necessary and appropriate.

5. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

(c) Any staff member who reports a pupil to the principal or his or her designee in compliance with the provisions of this subsection shall not be liable in civil damages as a result of making such a report as specified in N.J.S.A. 18A:40A-13 and N.J.S.A. 18A:40A-14.

Amended by R.1989 d.480, effective September 5, 1989.

See: 21 N.J.R. 1603(a), 21 N.J.R. 2784(b).

Deleted (a)1-8 and recodified (b) to new (a) incorporating alcohol and other drug policy as one uniform policy, added new 6 regarding written medical report and new 8 regarding parents' refusal to comply with N.J.S.A. 18A:40A-12.

Recodified by R.1990 d.154, effective March 5, 1990.

See: 21 N.J.R. 3815(a), 22 N.J.R. 793(a).

Recodified from N.J.A.C. 6:29-9.5.

**6:29-6.6 Curriculum and instruction**

(a) Each school district having kindergarten through sixth grades shall incorporate into its curriculum at each grade level alcohol and other drug education, including tobacco and anabolic steroids, appropriate for the pupil's age and maturity, in accordance with Department of Education Chemical Health Guidelines pursuant to N.J.S.A. 18A:40A-1. These guidelines are available through the New Jersey State Department of Education, 225 West State Street, PO Box 500, Trenton, New Jersey 08625-0500.

(b) Each school district having seventh through twelfth grades shall incorporate into its curriculum at each seventh through twelfth grade level a minimum of 10 clock hours per school year of alcohol and other drug education, including tobacco and anabolic steroids, in accordance with Department of Education Chemical Health Guidelines, pursuant to N.J.S.A. 18A:40A-1.

(c) Instructional programs on the nature of anabolic steroids shall be incorporated into the curriculum after July 1, 1990.

Amended by R.1989 d.480, effective September 5, 1989.

See: 21 N.J.R. 1603(a), 21 N.J.R. 2784(b).

Deleted (a) and recodified (b) to (a); added new (b) establishing need for 10 hours minimum instruction per school year in grades seventh through twelfth.

Recodified by R.1990 d.154, effective March 5, 1990.

See: 21 N.J.R. 3815(a), 22 N.J.R. 793(a).

Text on curriculum and instruction recodified from N.J.A.C. 6:29-9.6; requirements for programs regarding tobacco and anabolic steroids added; (c) added.